

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service Garage and to allow an amendment to Case #75-93-X to permit an addition to the existing building

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Frederick A. Raab
(Type or Print Name)
Mignini, Raab and Lidinsky
5835 Balair Road
Baltimore, Md. 21206
Address
City and State

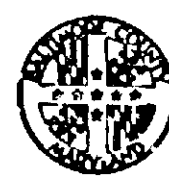
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

Attorney's Telephone No.: 583-2701

ORDERED BY The Zoning Commissioner of Baltimore County, this 22nd day of January, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of February, 1985, at 11:30 o'clock.

Cell
Zoning Commissioner of Baltimore County.

(over)



County Board of Appeals of Baltimore County
Room 209 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
April 10, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-232-X

LOUIS E. TARASCA, ET UX

5/5 of Baltimore National Pike,
333' SW of the c/l of Winters Lane
(6009 Baltimore National Pike)

1st District

SE-For serv. garage and to allow an amendment to Case #75-93-X to permit an addition to the existing building.

2/28/85 - Z.C.'s Order - GRANTED w/restrictions

ASSIGNED FOR:

TUESDAY, JULY 30, 1985, at 10 a.m.

CC: Mr. & Mrs. Louis Tarasca Petitioners

Frederick A. Raab, Esq. Counsel for Petitioner - OUT 7-12-85

Phyllis C. Friedman People's Counsel

Malcolm Spicer, Jr., Esq. Office of Law

Douglas Sachse, Esq. " " "

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

June Holmen, Secretary

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
5/5 of Baltimore National Pike : OF BALTIMORE COUNTY
333' SW of the Centerline of :
Winters Lane (6009 Baltimore : Case No. 85-232-X
National Pike), 1st District :
LOUIS E. TARASCA, et ux,
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis C. Friedman
Phyllis C. Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2168

I HEREBY CERTIFY that on this 13th day of February, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Louis E. Tarasca, 3994 View Top Road, Ellicott City, MD 21043.

Peter Max Zimmerman
Peter Max Zimmerman

85-232-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 22nd day of January, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner Louis E. Tarasca, et ux Received by
Petitioner's Attorney
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 15, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc: Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Road Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Louis E. Tarasca
3994 View Top Road
Ellicott City, Maryland 21043

RE: Item No. 146 - Case No. 85-232-X
Petitioner - Louis E. Tarasca, et ux
Special Exception Petition

Dear Mr. & Mrs. Tarasca:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to construct an addition to the rear of the existing service garage building, which is existing as a result of Case No. 75-93-X, this hearing is required.

As indicated in my conversation with your surveyor, the restrictions, as noted in the above referenced hearing, must be noted on revised site plans. In addition, he indicated that Melvin Avenue is required to stay open, and he will provide information concerning this matter at the scheduled hearing. This is in response to the comments of the State Highway Administration.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari, Chairman
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Hudkins Associates, Inc.
200 East Joppa Road 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

January 18, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #146 (1984-1985)
Property Owner: Louis E. Tarasca, et ux
5/5 cor. Balto. National Pike and Melvin Ave.
Acreage: 0.34
District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

As no public facilities are involved, this office has no comment.

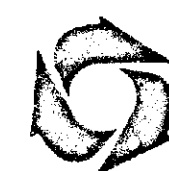
The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

James A. McMahon
James A. McMahon, Chief
Bureau of Public Services

JAM:RAM:REC:es



Maryland Department of Transportation
State Highway Administration

William K. Hellmann
Secretary
Hal Kassoff
Assistant Secretary

December 14, 1984

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 12-11-84
ITEM: #146.
Property Owner: Louis E. Tarasca, et ux
Location: SE/Cor. Baltimore National Pike, Route 40-W and Melvin Avenue
Existing Zoning: B.L.
Proposed Zoning: Special Exception for a service garage and to allow an amendment to Case No. 75-93-X to permit an addition to the existing building.
Acreage: 0.34
District: 1st

Dear Mr. Jablon:

On review of the site plan of November 19, 1984 and field inspection, the State Highway Administration offers the following comments.

On the day of inspection it was noted the site was served by three (3) points of access, Baltimore National Pike (Route 40-W), Winters Lane and Melvin Avenue.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-402-5082 Statewide Toll Free
P.O. Box 7171 North Calvert St., Baltimore, Maryland 21203-0717

Mr. A. Jablon

-2-

December 14, 1984

With the proposed addition of three (3) new service bays, the State Highway Administration recommends to Baltimore County that all commercial access be confined to Baltimore National Pike and Winters Lane and the access to Melvin Avenue (a residential street) be eliminated by channelization (concrete curb and gutter construction).

This would eliminate a vehicular shortcut that exists today.

Attached for your use and review is a red lined revision showing requested channelization.

Very truly yours,

Charles Lee, Jr.
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

Attachment

cc: Mr. J. Ogle

Case No. 85-232-X
Item No. 146
Date: March 11, 1985

S/S of Baltimore National Pike,
333' SW of the Centerline of
Winters Lane (6009 Baltimore
National Pike)
1st Election District
Louis E. Tarasca, et ux, Petitioners

- _____ X 1. Copy of Petition
 _____ X 2. Copy of Description of Property
 _____ X 3. Copy of Certificate of Posting (2 copies)
 _____ X 4. Copy of Certificates of Publication
 _____ X 5. Copy of Zoning Advisory Committee Comments
 _____ X 6. Copy of Comments from the Director of Planning
 _____ 7. Planning Board Comments and Accompanying Map
 _____ X 8. Copy of Order to Enter Appearance
 _____ X 9. Copy of Order - Zoning/Deputy Zoning Commissioner
 _____ X 10. Copy of Plat of Property
 _____ 11. 200' Scale Location Plan
 _____ 12. 1000' Scale Location Plan
 _____ 13. Memorandum in Support of Petition
 _____ 14. Letter(s) from Protestant(s)
 _____ 15. Letter(s) from Petitioner(s)
 _____ 16. Protestants' Exhibits _____ to _____
 _____ X 17. Petitioners' Exhibits 1 to 2
 _____ X 18. Letter of Appeal
 _____ X 19. Copy of Case No. 75-93-X

Mr. & Mrs. Louis E. Tarasca	Petitioner
3994 View Top Road	
Ellicott City, Maryland 21043	
Frederick A. Raab, Esquire	Attorney for Petitioner
5835 Belair Road	
Baltimore, Maryland 21206	
Phyllis C. Friedman, Esquire	People's Counsel
Norman E. Gerber	Registrar
James Hoswell	Notification
Arnold Jablon	"
Jean M. H. Jung	"
James E. Dyer	"

SAVON GAS STATION
NUMBER FOUR, INC.

*
*
*
*
*

Complainant

VS

FILE NO. 93928
DOCKET 117
FOLIO 116

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
IN EQUITY

LOUIS TARASCA
MARY TARASCA

*
*
*

Respondents

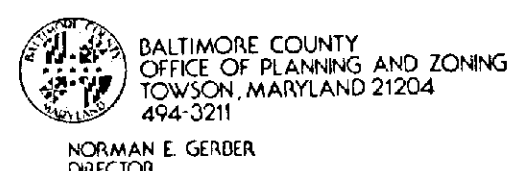
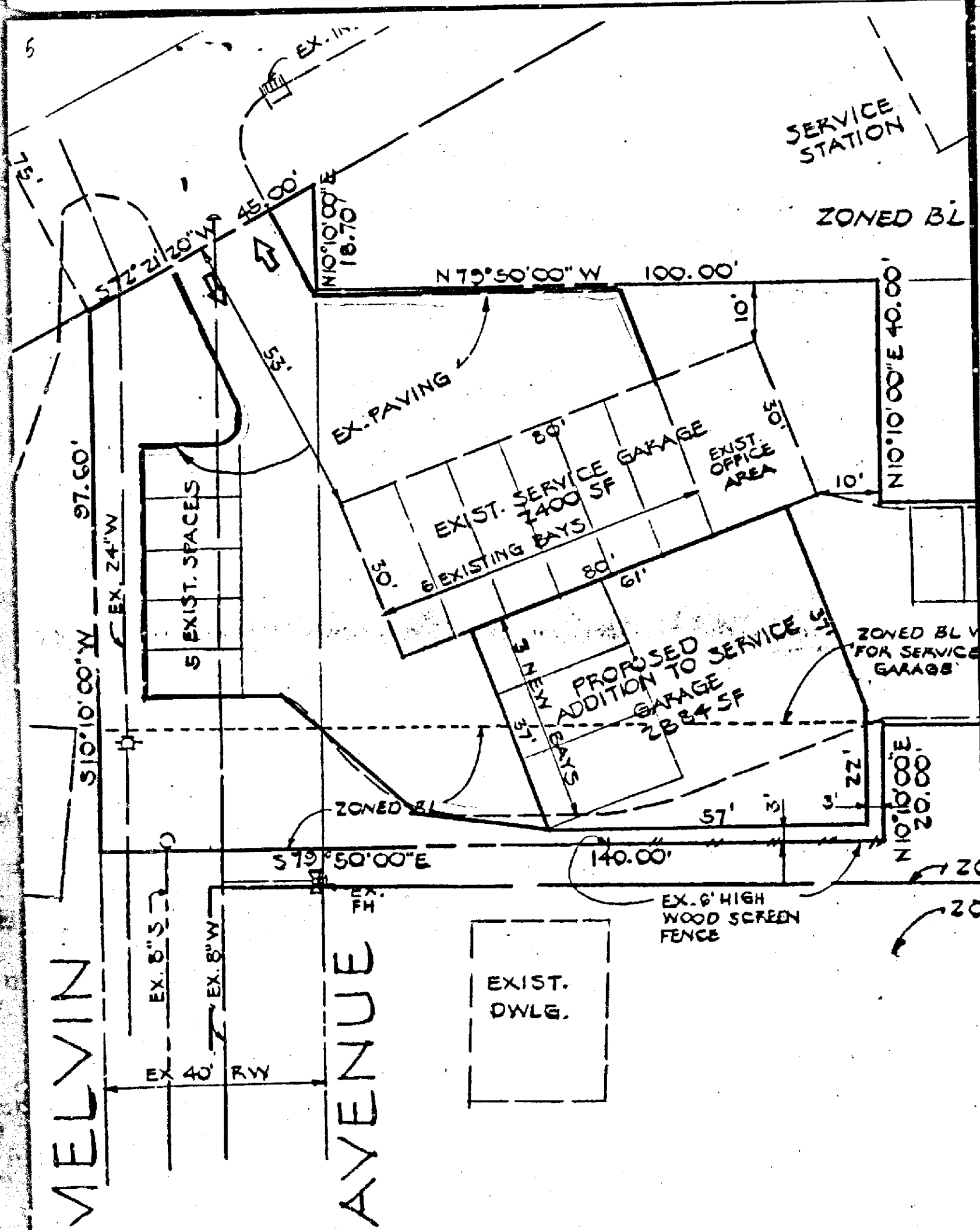
ORDER
AND
OPINION

The captioned case having come on for hearing on September 20, 1978, testimony having been taken, exhibits having been submitted and reviewed, counsel having been heard, and trial memoranda having been submitted, the Court finds the facts to be that in May of 1956, SAVON GAS STATION NUMBER FOUR, INC., a Maryland Corporation, acquired property consisting of various lots from a subdivision called "McDonough Heights", recorded among the Land Records of Baltimore County in W.M.J. 1938, Folio 422, as shown on Complainant's Exhibit 1 and various deeds which are part of the exhibits hereto. At this location, which is now on Route 40 West, the Complainant erected a gas station which he has operated to the present time.

The Respondents in the case own property that abuts Melvin Avenue to the east and also borders on U. S. 40. The Respondents purchased a fee simple title to the bed of Melvin Avenue that runs the length of their property along Melvin Avenue. This particular deed, found in Liber J425, Page 314, conveys the fee simple bed of Melvin Avenue, and with the blessing of the Zoning Commission of Baltimore County, under Zoning Petition No. 75-93-X, the Respondents blocked off access to through traffic on Melvin Avenue as a condition precedent for the approval of their Special Exception.

FILED DEC 5 1978

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Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

$$1125/85$$

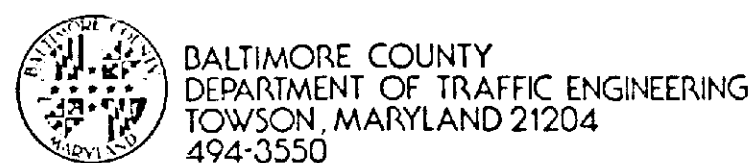
Re: Zoning Advisory Meeting of 12/11/84
Item # 146
Property Owner: Louis E. Tarasew, et al.
Location: SW/Cor. Baltimore National Pike
and Melrose Avenue

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- [illegible]

cc: James Hoswell



STEPHEN E. COLLINS
DIRECTOR

December 17, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 146 -ZAC- Meeting of December 11, 1984
Property Owner: Louis E. Tarasae, et ux
Location: SW/Cor. Baltimore National Pike and Melvin Avenue
Existing Zoning: B.L.
Proposed Zoning: Special exception for a service garage and to allow an amendment to Case No. 75-93 X to permit an addition to the existing building.

Acres: 0.34
District: 1st

Dear Mr. Jablon:

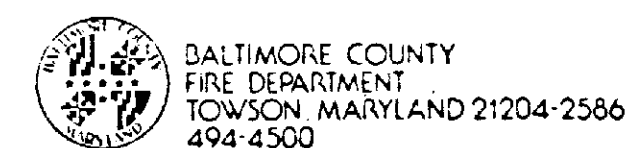
The proposed addition to the existing service garage will block circulation on site between the garage and the parking lot located on Winters Lane. This is very undesirable because vehicles will have to use Baltimore National Pike to get to the parking lot.

PS1 - The plan is a misrepresentation of the conditions found in the field.

PS2 - The plan appears to be in conflict with Zoning Case #75,93.

Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/0000



PAUL H. REINCKE
CHIEF

December 18, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Louis E. Tarasea, et ux

Location: SW/Cor. Baltimore National Pike and Melvin Avenue

Item No.: 146

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be accepted or incorporated into the final plans for the property.

- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

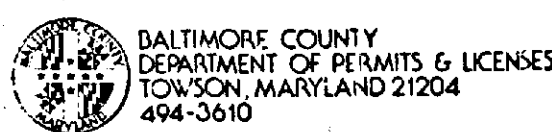
- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: P. J. [Signature] 12/1/88
Planning Group
Special Inspection Division

Noted and [Signature] 11/11/88
Approved: _____
Fire Prevention Bureau

(m)



December 18, 1984

TED ZALESKI, JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 116 Zoning Advisory Committee Meeting are as follows:

Property Owner: Louis E. Tarasca, et ux
Location: SW/Cor. Baltimore National Pike and Melvin Avenue
Relating Zoning: B-1
Proposed Zoning: Special exception for a service garage and to allow an amendment to Case No. 75-93-X to permit an addition to the existing building.

Jurisdiction:
District: 1st.

The items checked below are applicable:

☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

☒ A building/ & other / permit shall be required before beginning construction.

☒ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

☒ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

☒ An exterior wall erected within 6'0" for Commercial use, and within 4'0" for One & Two Family use group of an adjacent lot line shall be 12'0" high fire resistant construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Table 401, Line 2, Section 1107 and Table 1102, also Section 201.4.

☒ Requested variance appears to conflict with the Baltimore County Building Code, Section/s

☒ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

☒ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

☒ Comments - Show handicapped parking, curb cuts, building access, etc. Garage shall comply with Section 616.0. Also, be forewarned, so as not to create problems with Section 1114.0.

NOTE: These comments ref. * only on the information provided by the drawings submitted to the office. * Planning and Zoning are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 125 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Eberman
Charles E. Eberman, Chief
Plans Review

IN RE: PETITION FOR
SPECIAL EXCEPTION
S/S of Baltimore National
Pike, 333' SW of Centerline
of Winters Lane (6009
Baltimore National Pike)
Louis E. Tarasca, et ux
Petitioner
1st Election District

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 85-232-X

Entry of Appearance

Please enter our appearance on behalf of the Zoning Commissioner of Baltimore County as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to our office, including but not limited to hearing dates and/or preliminary or final Orders.

Malcolm F. Spicer, Jr.
Malcolm F. Spicer, Jr.
Baltimore County Attorney
Old Court House
Towson, Maryland 21204
494-4420

Douglas T. Sachse
Douglas T. Sachse
Assistant County Attorney

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 21st day of March, 1985, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to People's Counsel for Baltimore County, Petitioner(s), and or Protestant(s) in the above captioned matter.

Douglas T. Sachse
Douglas T. Sachse
Assistant County Attorney



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 29, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Chairman Hackett:

It has come to our attention that the Zoning Commissioner has entered his appearance in the following cases:

Christian B. Anderson, et ux - 85-170-SPH (Item 116)
Elizabeth R. Baird, et al - 85-45-XSPH (Item 346)
Vincent Bertuca, et ux - 85-183-X (Item 132)
Chesapeake Fed. S & L - 85-187-A (Item 131)
Mary M. Clark - 84-311-A (Item 249)
David L. Cole, et ux - 85-2-XA (Item 290)
Eastern Yacht Club, Inc. - 85-73-SPH (Item 537)
Hauesser Family Ltd. Ptnr. - 85-81-SPHA (Item 127)
Johnson, Robert W., III - 85-185-X (Item 124)
Kabic, Melvin - 85-208-XSPH (Item 154)
McMann-Torillo Assoc., Inc. - 85-189-X (Item 127)
The Rock Rental Co. - 85-186-XA (Item 115)
Joseph H. Rosendale, et ux - 85-157-X (Item 102)
Louis E. Tarasca, et ux - 85-232-X (Item 146)
Towson Presbyterian Church - 85-176-SPH (Item 93)

As a result of the decision in Carol Dohme, et al - 85-106-SPH (Item 457), it is clear that the Zoning Commissioner has no standing and his appearance should be struck. Please consider this letter as a Motion to Strike the Zoning Commissioner's Appearance in each of the above cases. We are enclosing a copy of this letter for each file.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber
Arnold Jablon, Esquire
Malcolm F. Spicer, Jr., Esquire
Douglas T. Sachse, Esquire

PMZ:sh

MIGNINI, RAAB & LIDINSKY
Attorneys at Law

502 BELAIR ROAD
BALTIMORE, MARYLAND 21206
(301) 483-2661

July 11, 1985

County Board of Appeals of
Baltimore County
Room 200 Court House
Towson, Maryland 21204

Re: Case NO. 85-232-X
Louis E. Tarasca, et ux

Dear Sirs,

Your file in the above captioned case will indicate that I am the attorney for the Petitioner, Louis E. Tarasca. I was recently notified by Mr. Tarasca that he did not wish me to appear on his behalf at the hearing scheduled for July 30, 1985 at 10:00 a.m. in hearing room No. 218.

Accordingly, please strike my appearance in said case. Our office, however, would like to have a copy of the file decision in this matter.

Thank you for your attention and cooperation in this matter.

Sincerely,

Frederick A. Raab
Frederick A. Raab

FAR/jd
cc: Mr. Peter Max Zimmerman
Mr. Louis E. Tarasca

RECEIVED
COUNTY BOARD OF APPEALS
JUL 12 A D 14

IN THE MATTER OF
LOUIS E. TARASCA, ET UX
FOR A SPECIAL EXCEPTION
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF BALTIMORE
NATIONAL PIKE, 333' SOUTHWEST
OF THE CENTER LINE OF
WINTERS LANE
(6009 BALTIMORE NATIONAL PIKE)
1st DISTRICT

OPINION

This matter comes before the Board on a request for a special exception for a service garage and additionally to amend the site plan filed and approved in Case No. 75-93-X to permit an addition to the existing building.

At hearing before the Board Petitioners were not represented by counsel. Louis E. Tarasca testified as owner of the property and David Billingsly, a surveyor, testified on behalf of the Petitioners. There were no Protestants.

The file indicates that this property was granted a special exception for a service garage in Case No. 75-93-X subject to certain restrictions. Petitioners seek to expand the service garage by adding an addition that would permit three bays and a large storage area. This addition would extend into the rear portion of the property which was not originally covered under the previously granted special exception.

Mr. Tarasca testified that the present use of the property is for quick tune-ups and not for major mechanical repairs. As a result of the success of this business Mr. Tarasca's tenant requires additional bays to satisfy the need that has been generated. Mr. Billingsly presented the Board with a site plan that would permit the addition of three bays and storage space to satisfy the needs of the Petitioner.

Louis E. Tarasca, et ux
Case No. 85-232-X

The configuration of this lot is such that access is provided from Route 40, Winters Lane and Melvin Avenue. There was considerable testimony as to the history of the access from Melvin Avenue. In particular, the original special exception required that the Melvin Avenue access be closed after 7 p.m. This restriction was reversed by Order of the Circuit Court dated December 4, 1978, where it was determined in a civil action between Mr. and Mrs. Tarasca and the adjoining neighbor, Savon Gas Station No. 4, Inc., that the Melvin Avenue access be permanently opened.

Testimony before the Board indicated that the Melvin Avenue access abuts a residential development and that for safety and other traffic reasons the County Traffic Engineer's Office suggests that this access be closed. Mr. Tarasca has agreed with such a suggestion and indicated his willingness to petition the County to close Melvin Avenue at his lot line. Such a circumstance would leave only Route 40 and Winters Lane as points of access to the property. Further complicating the matter is the restricted movement that would occur if the suggested expansion were approved. Under such a circumstance no internal flow from the Route 40 access to the Winters Lane access would be possible. As such, if cars were parked on the Winters Lane portion of the property awaiting servicing, a mechanic would have to drive out to Route 40 via Winters Lane, drive past the subject property, negotiate a U-turn on Route 40 and come across the eastbound lanes to the shoulder of Route 40 in order to have access to the service bays. Such a condition this Board finds to be undesirable.

This property is located in a B1 zone and as such the Baltimore County Zoning Regulations permit the requested use by special exception. This Board is of the opinion that the proposed use would not be detrimental to the neighborhood which surrounds this property. And the Board is further satisfied that the proposed use would not be detrimental to the health, safety

Louis E. Tarasca, et ux
Case No. 85-232-X

or general welfare of the area and that it is otherwise consistent with Section 502.1 of the Baltimore County Zoning Regulations. We are, however, satisfied that certain restrictions must be placed upon the proposed use in order to minimize the potentially detrimental safety and traffic concerns that came to light during the hearing of this matter.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 6th day of August, 1985, by the County Board of Appeals, ORDERED that the Petition for Special Exception for a service garage and additionally the amendment to the site plan filed and approved in Case No. 75-93-X to permit an addition to the existing building, be and the same are hereby GRANTED in accordance with the site plan submitted by Petitioner in this case, subject to the following restrictions:

1. Petitioner must obtain approval of the site plan from the County Review Group (CRG).
2. If the County Review Group requires changes to the site plan submitted herein, the Petitioners shall submit the approved CRG plan to the Zoning Commissioner for final approval without the necessity of filing either a motion or petition to amend.
3. A building permit may be issued only after obtaining CRG approval.
4. No petition for a building permit may be issued until Petitioners have applied to Baltimore County for the closing of Melvin Avenue at the southern lot line of their property that adjoins Melvin Avenue.
5. In the event that Melvin Avenue is subsequently closed, Petitioners will provide a minimum of eight parking spaces for the Route 40 access in addition to the nine service bays that would exist with the proposed addition.
6. That the owner and all employees of the service station shall, during all working hours, park their cars on that portion of the property that has access to Winters Lane so as to leave as many available spaces for customers on the Route 40 accessed portion of the subject property.

Louis E. Tarasca, et ux
Case No. 85-232-X

7. This Order specifically approves three (3) new bays only subject to the within restrictions. In the event that Petitioners desire any additional bays within the confines of the proposed addition, such a use is not permitted absent an additional special exception for such use.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Acting Chairman

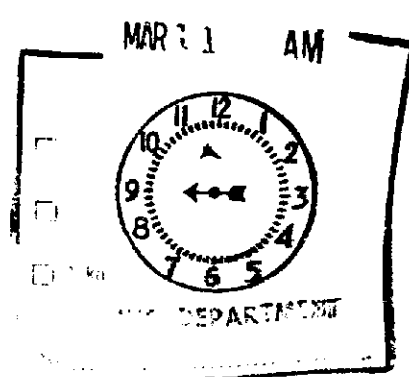
Lawrence E. Schmidt
Lawrence E. Schmidt

Patricia Phipps
Patricia Phipps

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
S/S of Baltimore National Pike, :
333' SW of the Centerline of : OF BALTIMORE COUNTY
Winters Lane (6009 Baltimore :
National Pike), 1st District :
LOUIS E. TARASCA, et ux, : Case No. 85-232-X
Petitioners

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of February 28, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.



Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 11th day of March, 1985, a copy of the foregoing Notice of Appeal was mailed to Frederick A. Raab, Esquire, 5835 Belair Road, Baltimore, MD 21206, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

August 6, 1985

Mr. and Mrs. Louis E. Tarasca
3994 View Top Road
Ellicott City, Maryland 21043

Re: Case No. 85-232-X
Louis E. Tarasca, et ux

Dear Mr. & Mrs. Tarasca:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

James Holmen
James Holmen, Secretary

Encl.
cc: Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer
Malcolm Spicer, Jr., Esq.
Douglas Sachse, Esq.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 21, 1985

Frederick A. Raab, Esquire
5835 Belair Road
Baltimore, Maryland 21206

RE: Petition for Special Exception
S/S of Baltimore National Pike,
333' SW of Centerline of Winters
Lane (6009 Baltimore National Pike)
Louis E. Tarasca, et ux - Petitioners
Case No. 85-232-X

Dear Mr. Raab:

Please be advised that an appeal has been filed by the People's Counsel, from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bsc

IN RE: PETITION SPECIAL EXCEPTION
S/S of Baltimore National
Pike, 333' SW of the center-
line of Winters Lane (6009
Baltimore National Pike) -
1st Election District
Louis E. Tarasca, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-232-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception for a service garage and, additionally, to amend the site plan filed and approved in Case No. 75-93-X to permit an addition to the existing building, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. David Billingsley, a surveyor, appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property was granted a special exception for a service garage in Case No. 75-93-X, subject to certain restrictions. At that time, a 20' x 140' portion of the property located to the rear was zoned residential and not subject to the special exception. That portion was rezoned to B.L. in 1980. The Petitioners now want to expand the service garage by adding a 61' x 37' x 57' x 37' x 22' addition which will permit three bays without a storage area. The addition will extend into the rear portion of the property not originally covered by the special exception. The property faces Route 40 and is bounded by Winters Lane and Melvin Avenue, a non-dedicated road. The surrounding uses are all commercial.

The service garage does not have storage for disabled or damaged vehicles and does not perform major mechanical repairs. Primarily, the Petitioners perform tune-ups and do brake repair work.

ORDER RECEIVED FOR FILING
DATE *February 28, 1985*
BY *[Signature]*

Restriction 3 of the Order in Case No. 75-93-X required the daily closing of Melvin Avenue after 7:00 p.m. This restriction was reversed by Order of the Circuit Court, dated December 4, 1978, File No. 93928, Savon Gas Station Number Four, Inc. vs. Louis Tarasca and Mary Tarasca. The Maryland State Department of Transportation has recommended that access to Melvin Avenue be eliminated by channelization. However, according to Mr. Billingsley, to do so would be contrary to the Order of the Circuit Court. All of the other restrictions have been satisfied.

Mr. Billingsley testified that all of the conditions precedent, as delineated in Section 502.1 of the Baltimore County Zoning Regulations (BCZR), would be satisfied if the special exception were granted.

The Petitioners seek relief from Section 230.13, pursuant to Section 502.1, BCZR, and to amend the site plan filed and approved in Case No. 75-93-X pursuant to the authority vested in the Zoning Commissioner by Section 500.9, BCZR.

It is clear that the BCZR permit the use requested by the Petitioners in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions, as more fully described below.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do

not show that the proposed use at the particular location described by Petitioners' Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

After due consideration of the evidence and testimony presented, it is determined that the requested amendment would not adversely affect the health, safety, and general welfare of the community.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and the relief prayed for should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1985, that the Petition for Special Exception for a service garage and, additionally, the amendment to the site plan filed and approved in Case No. 75-93-X to permit an addition to the existing building be and the same are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Obtain approval from the County Review Group (CRG).
2. If the CRG requires changes to the site plan submitted herein, the Petitioners shall submit the approved CRG plan to the Zoning Commissioner for final approval without the necessity of filing either a motion or petition to amend.

- 3 -

3. A building permit may be issued only after obtaining CRG approval; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ:srl
cc: Frederick A. Raab, Esquire
People's Counsel

ORDER RECEIVED FOR FILING
DATE *February 28, 1985*
BY *[Signature]*

- 4 -

PETITION FOR SPECIAL EXCEPTION
1st Election District

LOCATION: South side of Baltimore National Pike, 333 feet Southwest of the centerline of Winters Lane (6009 Baltimore National Pike)
DATE AND TIME: Monday, February 25, 1985 at 11:30 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage and to allow an amendment to Case No. 75-93-X to permit an addition to the existing building.

Being the property of Louis E. Tarasca, et ux _____ as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
DATE *February 28, 1985*
BY *[Signature]*

- 2 -

ORDER RECEIVED FOR FILING
DATE *February 28, 1985*
BY *[Signature]*

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
Phone 730-9080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-9000

November 20, 1984

DESCRIPTION FOR SPECIAL EXCEPTION and Special Hearing

Beginning for the same at a point distant the two following courses and distances from the intersection of the centerline of Winters Lane with the Baltimore National Pike (U.S. Route 40) (1) South 72 degrees 21 minutes 20 seconds West 333 feet ± (2) South 17 degrees 38 minutes 40 seconds East 75 feet to the southeast side of the Baltimore National Pike (U.S. Route 40) thence South 10 degrees 10 minutes 30 seconds West 97.60 feet thence South 79 degrees 50 minutes 00 seconds East 140.00 feet thence North 10 degrees 10 minutes 00 seconds East 20.00 feet thence South 79 degrees 50 minutes 00 seconds East 100.00 feet to the west side of Winters Lane thence binding thereon North 10 degrees 10 minutes 00 seconds East 40.00 feet North 79 degrees 50 minutes 00 seconds West 100.00 feet thence North 10 degrees 10 minutes 00 seconds East 18.70 feet to the said southwest side of Route 40 thence binding thereon South 72 degrees 21 minutes 20 seconds West 45.00 feet to the place of beginning. Containing 0.34 Acres of land more or less. Saving and excepting all that land described in the special exception for service garage contained in Case Number 75-93 Item 47, is the area of this special exception.

The special hearing includes that area not the above described Case 75-93

Hudkins Associates, Inc.
Registered Surveyors
No. 135871

OFFICE COPY

January 25, 1985

Mr. and Mrs. Louis E. Tarasca
3994 View Top Road
Ellicott City, Maryland 21043

NOTICE OF HEARING

RE: Petition for Special Exception
S/S of Baltimore National Pike, 333' SW of the c/l of Winters Lane
(6009 Baltimore National Pike)
Louis E. Tarasca, et ux - Petitioners
Case No. 85-232-X

TIME: 11:30 a.m.

DATE: Monday, February 25, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135871

DATE: 1/25/85 ACCOUNT: R-01-615-000

AMOUNT: 100.00

RECEIVED FROM: Louis E. Tarasca

FOR: filing fee for Special Hearing

6 012*****1000018 2274F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
Norman E. Gerber, Director
Louis E. Tarasca, et ux
SUBJECT: No. 85-232-X
Date: February 19, 1985

This office is opposed to the granting of this petition in its present form. Were the addition permitted as shown, there would not be adequate internal circulation within the site. Also please note a CRG meeting is required and the site plan lacks the required landscaping.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JCH/sf

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: April 3, 1985
Posted for: Appeal
Petitioner: Louis E. Tarasca, et ux
Location of property: S/S of Baltimore National Pike, 333' SW of the c/l of Winters Lane
Location of Signs: 1 sign south side of Baltimore National Pike, 333' SW of the c/l of Winters Lane, at entrance to subject property
Remarks: to subject property
Posted by: [Signature]
Number of Signs: 2
Date of return: April 12, 1985

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 7, 1985
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 7, 1985

THE JEFFERSONIAN,
[Signature]
Publisher

Cost of Advertising

20.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 2-6-85
Posted for: Appeal, Ca. Caption
Petitioner: Louis E. Tarasca, et ux
Location of property: S/S of Baltimore National Pike, 333' SW of the c/l of Winters Lane (6009 Baltimore National Pike)
Location of Signs: 1 sign S/S of Baltimore National Pike, 333' SW of the c/l of Winters Lane, at entrance to subject property
Remarks: to subject property
Posted by: [Signature]
Number of Signs: 2
Date of return: 2-15-85

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 12, 1984
Mr. & Mrs. Louis E. Tarasca
3994 View Top Road
Ellicott City, Maryland 21043

RE: Item No. 146
Louis E. Tarasca, et ux
Special Exception Petition

Dear Mr. & Mrs. Louis E. Tarasca:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Traffic Engineering - Mr. Mike Flanagan - 494-3554

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

NICHOLAS B. CONNOR, Chairman
Zoning Plans Advisory Committee

NBC:bsc

cc: Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 13, 1985

Mr. and Mrs. Louis E. Tarasca
3994 View Top Road
Ellicott City, Maryland 21043

RE: Petition for Special Exception
S/S of Baltimore National Pike, 333' SW of the c/l of Winters Lane (6009 Baltimore National Pike)
Louis E. Tarasca, et ux - Petitioners
Case No. 85-232-X

Dear Mr. & Mrs. Tarasca:

This is to advise you that \$49.81 is due for advertising and posting of the above property.

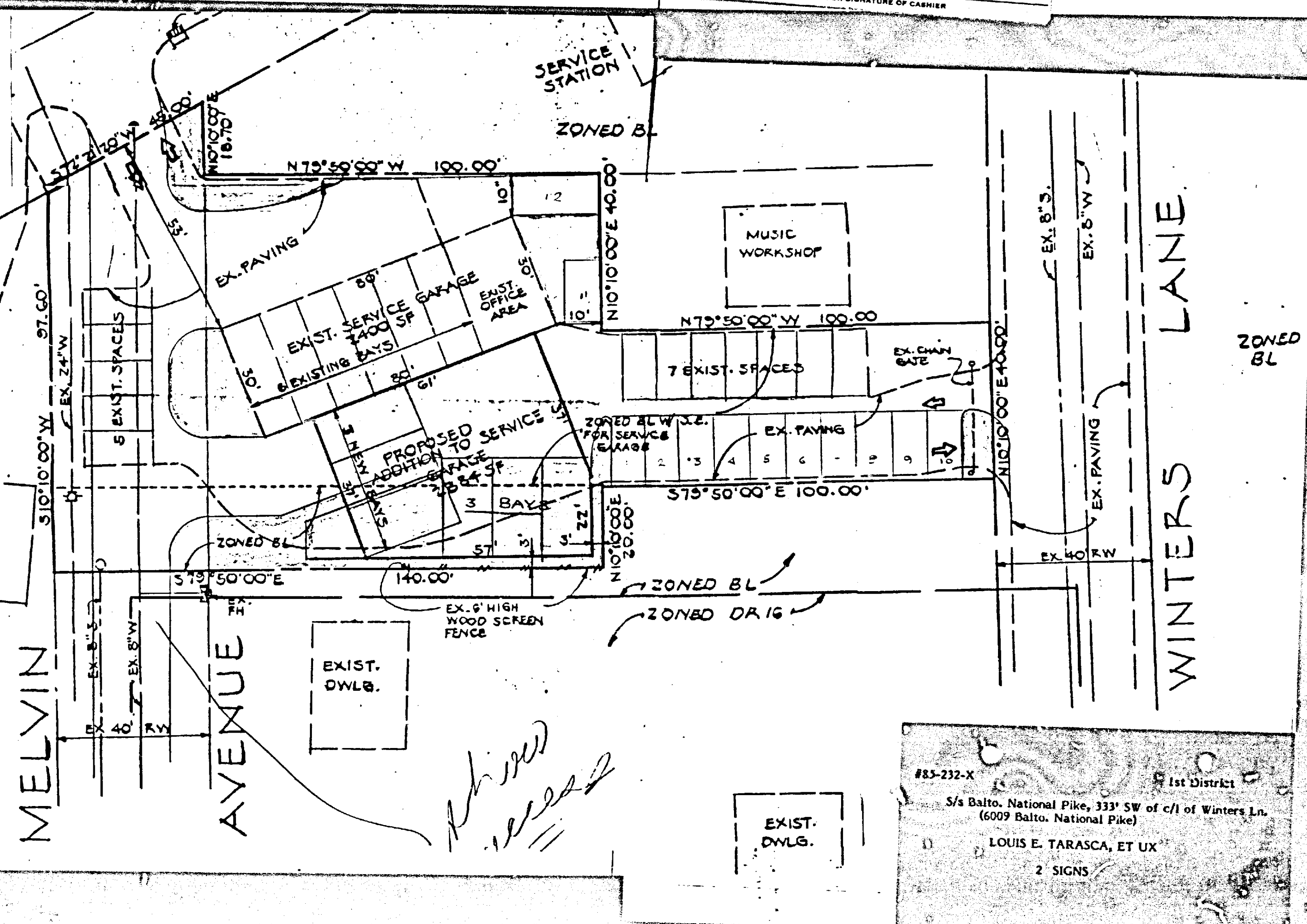
This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

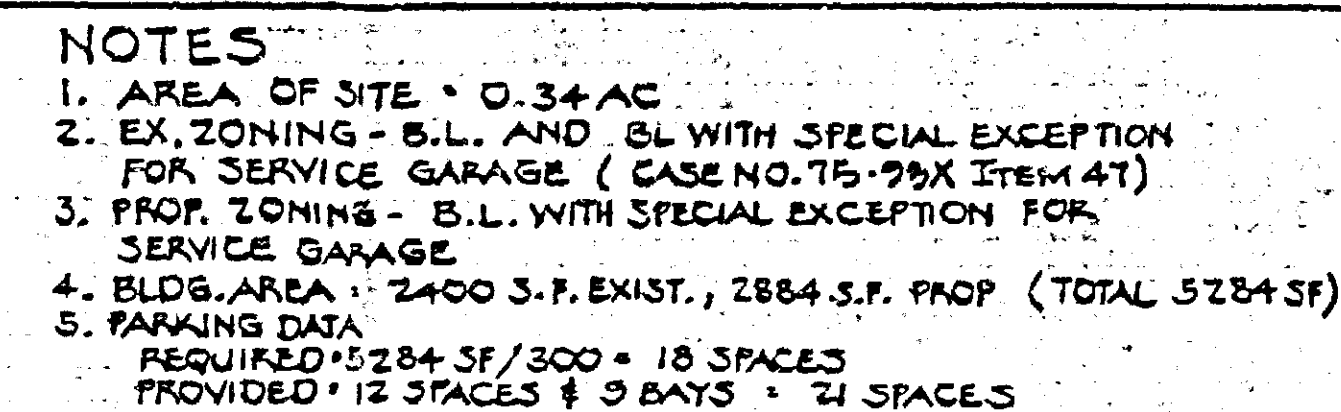
Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 005400
DATE: 2/13/85 ACCOUNT: 201-111-000
AMOUNT: \$49.81
RECEIVED FROM: Louis Tarasca
FOR: advertising and posting Case 85-232-X
B 852*****498118 0204F
VALIDATION OR SIGNATURE OF CASHIER

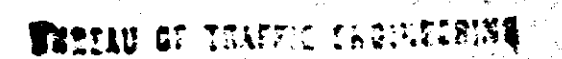
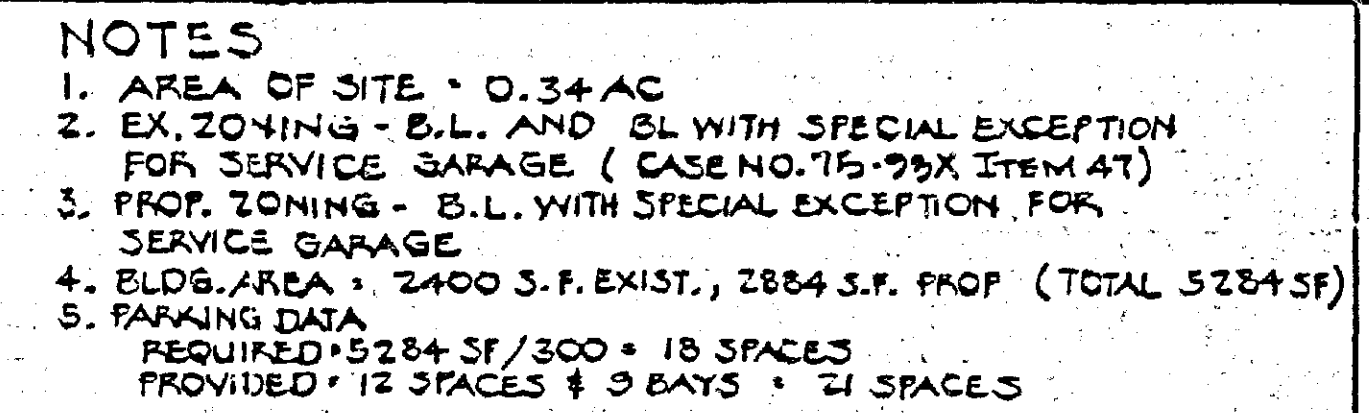


85-232-X
S/S Balto. National Pike, 333' SW of c/l of Winters Ln.
(6009 Balto. National Pike)
LOUIS E. TARASCA, ET UX
2 SIGNS



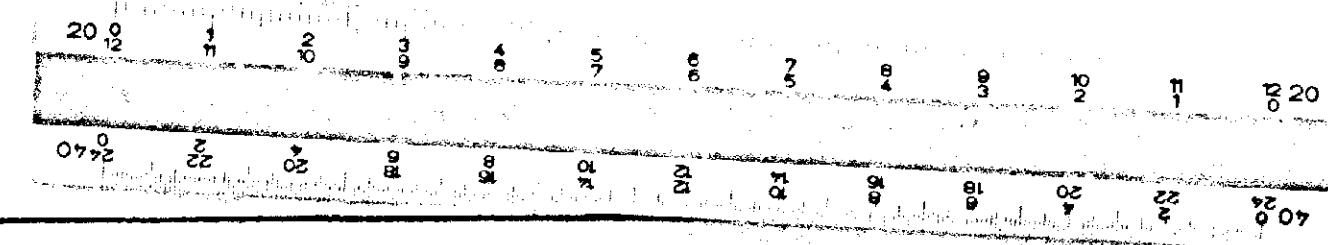
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0	1	2	3	4	5	6	7	8	9	10	11	12

HUDKINS ASSOCIATES, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204



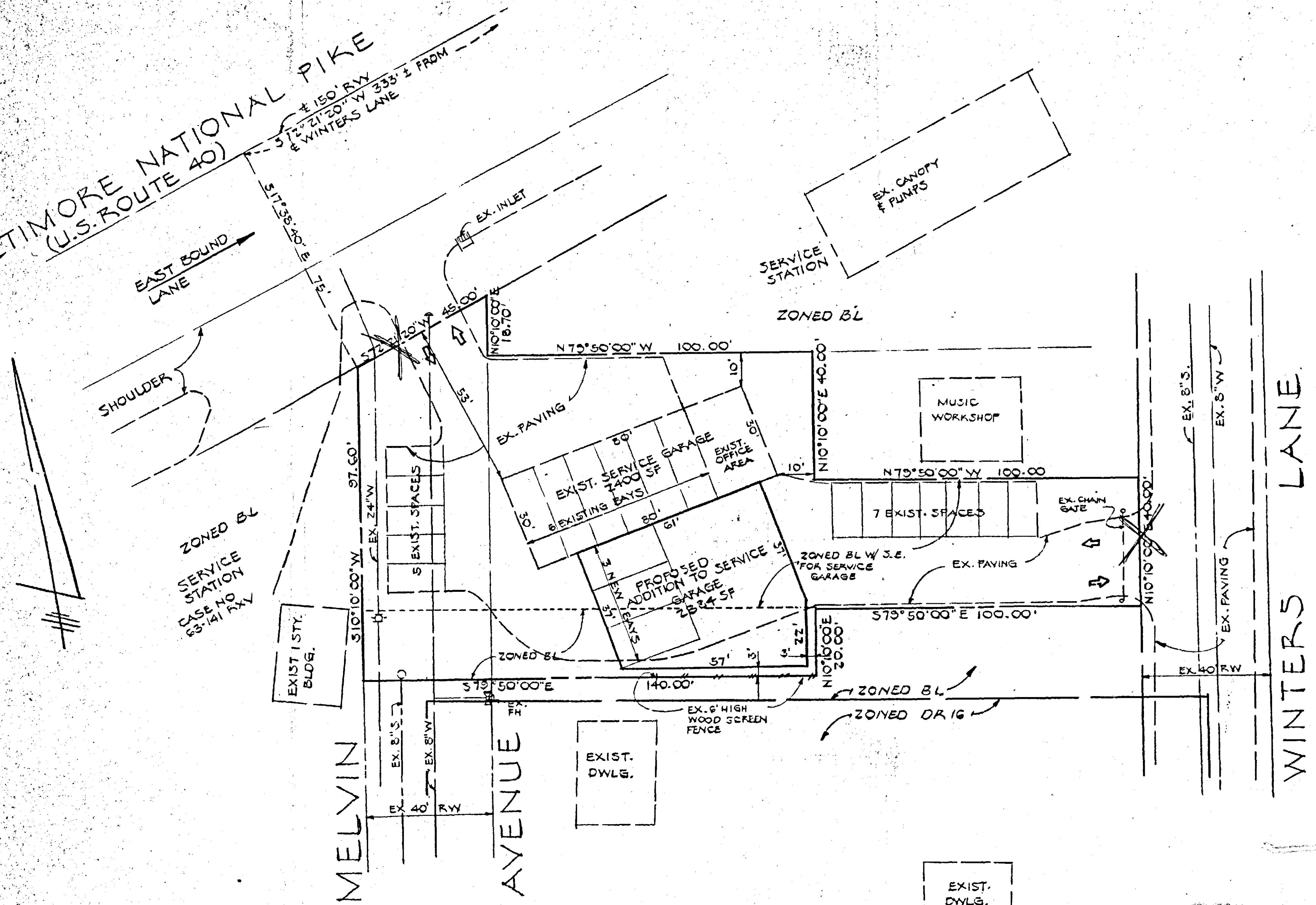
146

PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL HEARING AND
SPECIAL EXCEPTION
6009 BALTIMORE NATIONAL PIKE
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20' NOV. 19, 1984



HUDKINS ASSOCIATES, INC.
206 EAST JOPPA ROAD
ROOM 101, SPELL BUILDING
TOWSON, MARYLAND 21204

BALTIMORE NATIONAL PIKE
(U.S. ROUTE 40)



- NOTES**
1. AREA OF SITE - 0.34 AC
 2. EX. ZONING - B.L. AND BL WITH SPECIAL EXCEPTION FOR SERVICE GARAGE (CASE NO. 75-99X ITEM 4T)
 3. PROP. ZONING - B.L. WITH SPECIAL EXCEPTION FOR SERVICE GARAGE
 4. BLDG. AREA - 2400 S.F. EXIST., 2884 S.F. PROP. (TOTAL 5284 SF)
 5. PARKING DATA
REQUIRED - 5284 SF / 300 = 18 SPACES
PROVIDED - 12 SPACES & 9 BAYS = 21 SPACES

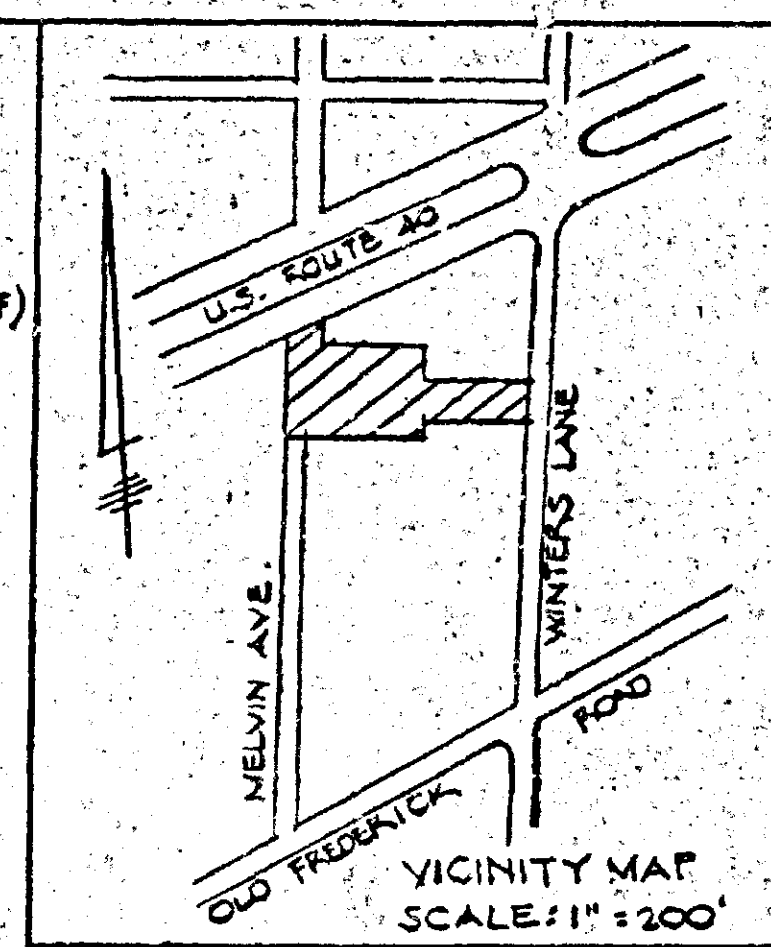
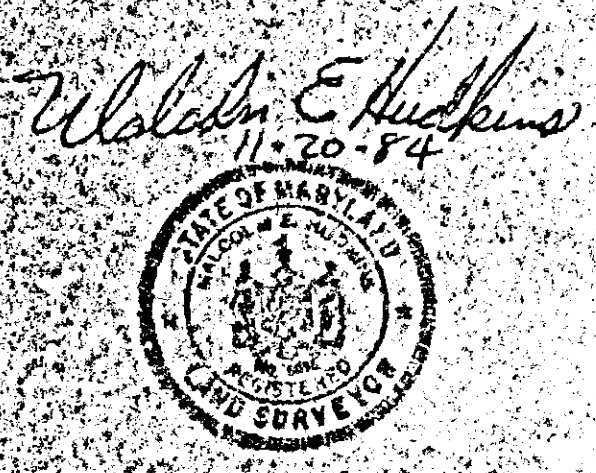
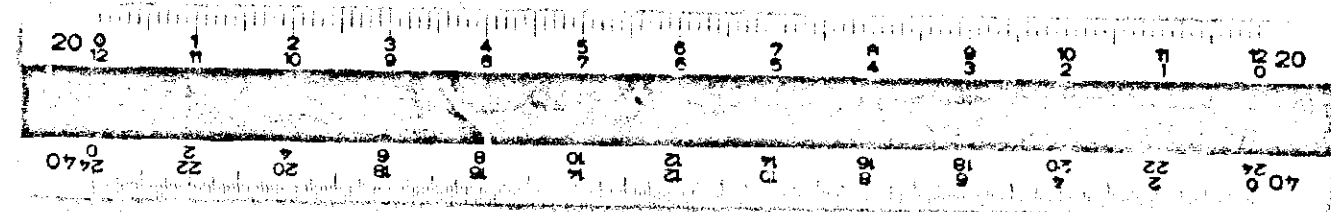


EXHIBIT 1

DATE	11/19/84
SECTION	1
DISTRICT	1
TYPE	1
BY	CR

PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL HEARING AND
SPECIAL EXCEPTION
6009 BALTIMORE NATIONAL PIKE
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE 1" = 20' NOV. 19, 1984



HUDKINS ASSOCIATES, INC.
203 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204